PROJECT NAME: Max #2 **DATE:** 07/06/2015

I. The following tables display those endangered, threatened, proposed, candidate, sensitive, and management indicator species that are known to (or may) occur on the Clearwater and Nez Perce National Forest. For the project named above, this checklist serves as documentation for the Biological Assessment and Biological Evaluation for these species.

II. FISH

A. Threatened and Endangered Species

Species	*Suitable habitats in project area?*	*Effect on habitat?*	*Species present in area during season of project?*	*Determination**			*Comments*
				NE	*NLAA*	*LAA*	
Bull trout	N	N	N	X			Bull trout and steelhead designated critical habitat is located >5 miles downstream of the project area on Ruby Creek.
Steelhead trout	N	N	N	X			
Fall Chinook Salmon	N	N	N	X			Not within the project area, EFH is located on the mainstem Salmon River many miles downstream of the project area.
Spring/Summer Chinook Salmon (Nez Perce – Salmon basin only)	N/A						
Sockeye Salmon (Nez only)	N/A						
* NE = "No effect"; NLAA = "Not likely to adversely affect"; LAA = "Likely to adversely affect"							

B. Sensitive Species

Species	*Suitable habitats in project area?*	*Effect on habitat?*	*Species present in area during season of project?*	*Determination**			*Comments*
				NI	*MIIH*	*LI*	
Westslope cutthroat trout	Y	N	Y	X			WCT are assumed to occupy habitat within Ozark Creek and downstream Gold Lake Creek. Proposed activities are within the RHCA, mining excavation through trench construction would not alter habitat components such as pool quality/quantity, temperature, percent fines or LWD recruitment. There would be no direct effects given stream crossing will be made with the use of temporary crossing over the creek. See below, for additional details.
Pacific lamprey	N	N	N	X			Located many miles downstream on the Salmon River
Spring chinook salmon	N	N	N	X			Located many miles downstream on the Salmon River
Interior redband trout	Y	N	Y	X			Interior Redband Trout are assumed to occupy habitat within Ozark Creek and downstream Gold Lake Creek. Proposed activities are within the RHCA, mining excavation through trench construction would not alter habitat components such as pool quality/quantity, temperature, percent fines or LWD recruitment. There would be no direct effects given stream crossing will be made with the use of temporary crossing over the creek. See below, for additional details.
Western pearlshell mussel	N	N	N	X			Western pearlshell have not been observed within the Project Area.

* NI = "No impact"; MIIH = "May adversely impact individuals or habitat, but not likely to result in a loss of viability on the planning area, nor cause a trend to federal listing or a loss of species viability range wide"; LI = "Likely to result in a loss of viability on the planning area, in a trend to federal listing, or in a loss of species viability range wide"

C. Management Indicator Species

Species	*Suitable habitats in project area?*	*Effect on habitat?*	*Species present in area during season of project?*	*Conclusions*
Westslope Cutthroat Trout (Clearwater & Nez Perce)	Y	N	Y	See remarks above.
Rainbow and Brook Trout (in some streams on Palouse District) (Clearwater)	N/A	N	Y	Not within the project area.
Bull Trout (Dolly Varden) (Clearwater)	N/A	N	N	Not within the project area
Steelhead Trout [Clearwater & Nez Perce (summer only for Nez Perce)]	N	N	N	Not within the project area
Chinook Salmon [Clearwater & Nez Perce (spring only for Nez Perce)]	N	N	N	Not within the project area

COMMENTS: The proposed exploratory trenches (10) will be (10'W x 10'L). The total area of the each site will be 20' by 30' and includes excavator pad, spoil area, and sample trench and sample collection area. Material would be processed through a sluice box, processing water recycled, and process water will be run back into the pit with processed material, there would be no discharge into live water. When finished, the pit would be immediately filled, recontoured, any existing topsoil will be replaced, and reseeded. Only one pit will be open at a time. The trench will continue to be excavated taking samples periodically until bedrock is reached with a maximum removal of 50 cubic yards removed Access to the sites will be on existing roads and trails. The site is accessible by existing roads FS RD 221, 394, 643, 643J. Some brushing will be required on Forest Road 645J and Ozark Creek will need to be forded for access to the project area. This can be accomplished by the use of planks across the stream channel with no impact to the stream. The excavator would ford Ozark Creek only twice, to access and exit the processing sites and the ATV would need to ford daily. The excavator would be walked to the test sites (undercarriage is 8 ft). A buffer of at least 20' will be maintained between any surface disturbance and adjacent streams or wetland areas. The site would be reclaimed/recontoured per National Best Management Practices for Water Quality Management on National Forest System lands (National Core BMP technical guide Vol 1. 2012) and State of Idaho Best Management Practices (BMP's).

There would be no excavation directly along stream banks or within ephemeral draws. Some dead and/or down timber may be removed for access and safety but, trees felled will be left on site, there would be no removal of stream side canopy. There would be no refueling within RHCA's. Mining excavation through trench construction would not alter habitat components such as pool quality/quantity, temperature, percent fines or LWD recruitment. There would be no direct effects given stream crossing will be made with the use of temporary crossing over the creek. Given steelhead and bull trout do not occupy Ozark Creek, there would be No Effect to ESA listed fish (CR Bull trout, SNR Steelhead and Fall Chinook), and their designated critical habitat therefore, no additional consultation is needed. There would be no measurable impacts to stream temperature, pool quality/quantity or large wood recruitment and direct effects to Forest-wide Sensitive Species would be minimal given project design criteria, timing and frequency with fording machinery, which, is limited to the instream work window and limited to two crossings over temporary crossing structure. This project is consistent with Nez Perce LRMP and 36 CFR 220.6.

FISHERIES BIOLOGIST: ***/s/ Allison S. Johnson*** DATE: 07/6/2015

TE&S Note: The Biological Assessment/Evaluation process (FSM 2672.43) is intended to conduct and document activities necessary to ensure proposed management actions will not jeopardize the continued existence or cause adverse modification of habitat for species that are listed or proposed to be listed as Endangered or Threatened by the U.S. Fish and Wildlife Service and species listed as Sensitive by the U.S. Forest Service, Region 1, and to ensure compliance with the Forest Plan.

Biologists have reviewed this project, used available information on species distributions and habitat (using one or more of the following: topographic maps, aerial photos, field reconnaissance, or previous surveys) and then assessed the potential for effects for all federally listed, Region 1 sensitive, and Forest Plan management indicator species. If the project was determined to have no effect or no impact, this determination was based on one or more of these criteria:

1) Habitat for the species is not present in the project area.

2) Habitat for the species is present but the species does not occur in this area.

3) Habitat for the species is present, the species occurs or may occur in the project area, but the project would not have any direct or indirect effects because the habitat would not be affected.

Cumulative impacts to wildlife and fish populations and habitats are addressed through consideration of past, proposed and reasonably foreseeable actions, such as road and trail construction and use, timber harvest, natural and prescribed fire, grazing, weed introductions, mining, and recreational uses. Based on consideration of these past, present, and reasonably foreseeable actions, the project would not have any incremental effect that would cause a cumulatively significant effect.